

REMARKS

Claims 1-2, 4-14 and 16-20 are pending in the present application. Claims 1, 2, 4-6, 11, 17 and 20 have been amended. Claims 3 and 15 have been cancelled without prejudice.

Claims 1, 2, 5, 6 and 11 were rejected under 35 USC §102(b) as being anticipated by US Patent No. 5,775,158 (*Hensley*).

Claims 1-6 and 11-13 and 20 were rejected under 35 USC §103(a) as being unpatentable over *Hensley* in view of US Patent No. 5,768,935 (*Owens*).

Claims 7-10 and 14-19 were rejected under 35 USC §103(a) as being unpatentable over *Hensley* and *Owens* in further view of US Patent No. 4,637,242 (*Undin*).

Applicant's attorney, Catherine Gemrich, conducted a telephonic interview with Examiner Koch on September 2, 2003. Claims 1-20 were discussed generally as was the prior art relied upon by the Examiner in the Final Office Action dated June 3, 2003. Specifically, the relationship of the cutting edge and the projections in *Hensley*, and the crimping versus cutting issue of *Hensley* were discussed. Applicant also confirmed that the Examiner was not relying on *Pfaff* in this Office Action.

Claim 1 is directed to an appliance for a mechanical sealing of hollow hoses and elastic material with sealing means which is made of a plastically deformable material. The appliance of claim 1 has numerous limitations including the limitations of "at least one straight bar having a projecting end which projects toward the other jaw", that the bar makes an indentation in the sleeve, and a cutting edge which "projects to a greater extent than the projecting end of said at least one bar". *Hensley* does not teach or suggest an appliance with all the limitations in claim 1.

First, the appliance of claim 1 has numerous limitations including that at least one of the jaws has at least "one straight bar" having a projecting end which projects toward the other jaw. There is no such straight bar taught or suggested by *Hensley*. The Examiner asserts that

elements 26-28 of *Hensley* are equivalent to the straight bar of the present invention. A close examination of, for example Figure 10 of *Hensley*, discloses that Figures 26 and 28 are end plates each with a U-shape open aperture sized to the diameter of the cable or rod being cut. The end plates in *Hensley* are curved – not straight. The end plates of *Hensley* do not make indentations on the wire or rod. Rather, they surround the wire and rod and protect against deformation. Thus, there is no teaching or suggestion in *Hensley* for at least one of the jaws to have at least one straight bar which projects toward the other jaw which when the jaws are moving toward each other makes an indentation in the sleeve and the hose. In fact, *Hensley* teaches away from such a device as the plates in *Hensley* have apertures that surround the cable. See, e.g. *Hensley* at column 3, lines 18-25 and Figure 10. The purpose of the end plates is to support the cable while it is being cut and to prevent deformation or spreading of the cable. See, e.g. *Hensley* at column 3, lines 26-52. Preventing deformation is the opposite of crimping, which is in fact plastic deformation.

Second, even if the end plates in *Hensley* could be equated with the straight bar having a projecting end. The cutting means in *Hensley* does not project further than the projecting end of the end plates. See, e.g. Figures 2 and 10.

Third, claim 1 contains the additional limitation that the device has a cutting means which projects towards the other jaw in which when the jaws are moving toward each other makes a cutting indication the sleeve and hose. *Hensley* does not teach or suggest a device with all the limitations of claim 1 including a cutting means which makes a cutting indication. In *Hensley*, the ram assembly forces the movable jaw toward the stationary jaw so that the cable or rod placed between the die structures will be fractured. Rather than putting a cutting indication on the hose and on the sleeve, the entire cable or bar is fractured. See, e.g. *Hensley* at column 2, lines 63-67.

Fourth, the present appliance crimps the hose and the sealing means. *Hensley* does not teach or suggest crimping, let alone any manner of crimping. There is no crimping taught or

suggested in *Hensley*. *Hensley* only teaches a method of cutting high tencel strength cable and steel rods. *Hensley* teaches away from crimping. The end plates prevent deformation, i.e. they prevent crimping. *Hensley* is a cutting die which can be placed into a crimping tool instead of a crimping die. The cutting die cuts the work piece. It does not crimp the work piece. The work piece is severed before the cutting surfaces meet. See, e.g. *Hensley* at column 1, lines 39-41. Accordingly, *Hensley* does not have any structures for crimping and does not teach or suggest any such structures. For the reasons discussed above, *Hensley* does not teach or suggest all the limitations in claim 1. Thus, claim 1 as well as claims 2-18 which depend therefrom are patentable.

Claim 2 has all the limitations of claim 1. For the reasons discussed above, claim 2 is patentable. Further, claim 2 contains the additional limitation that the device has at least two straight bars. *Hensley* does not disclose two straight bars for crimping. Elements 26 and 27 which the Examiner contends are straight bars are instead of curved end plates. As discussed above, the end plates cannot be equated with bars. The end plates have apertures for receiving the wire or rod to prevent deformation. There is no crimping by the end plates. See, e.g. *Hensley* at Figure 10 and column 3, lines 18-25. *Hensley* does not teach or suggest a device with all the limitations of claim 2. Thus, claim 2 and claims 11, 14 and 17-19 which depend therefrom are patentable.

Claim 11 contains all the limitations of claim 1. Thus, for the reasons discussed above 11 is patentable. Further, claim 11 includes additional limitations including the limitation that the cutting means forms a substantially straight cutting edge which projects to a greater extent than the projecting ends of bars. First, as discussed above there are no straight bars taught or suggested by *Hensley* and the end plates of *Hensley* cannot be equated with the straight bars of the present invention. Second, even if the end plates could be equated with the bars, the cutting edge disclosed in *Hensley* does not project further than the projecting end bars. As can

be seen clearly in Figures 2 and 10, the projecting ends of end plates project further than the cutting edge. Accordingly, claim 11 is patentable.

The Examiner asserts that claims 1-6 and 11-13 are unpatentable over *Hensley* in view of *Owens*. As discussed above, *Hensley* does not teach or suggest all the limitations of claim 1 or claims 2-19 which depend therefrom. *Owens* does not make up the deficiencies in *Hensley*.

There must be some motivation, teaching or suggestion to combine references. Here there is no motivation or suggestion to combine the crimping tool in *Owens* with the die of *Hensley*. *Hensley* is a cutting die which replaces the standard die of a crimping tool. The cutting die fractures a cable or wire. Conversely, *Owens* is a crimping tool for connecting two pieces of tube. One would not combine *Owens* with *Hensley* to make a crimping and cutting tool and to do so would render both *Owens* and *Hensley* unsuitable for their intended purposes. Specifically, the cutting tool is the opposite of a crimping device for joining. Including a cutting means in *Owens* would render it unsuitable for its intended purpose – joining tubes. The cutting means would cause the two tubes to become separated or unjoined. Further, in *Hensley* the die of a crimping tool is replaced with the *Hensley* cutting die structure, the end plates, to prevent crimping. Combining *Owens* with *Hensley* would cause rather than prevent crimping or deformation. Accordingly, one skilled in the art one would not combine *Owens* with *Hensley*. Thus, claims 1-20 are patentable.

As discussed in detail above, *Hensley* does not teach or suggest a tool with all the limitations of claim 1. *Hensley* does not teach or suggest a tool that has a sealing means in the form of a sleeve where at least one of the jaws has a bar which projects toward the other jaw and which makes indication in the sleeve, nor does *Hensley* teach or suggest a device where the cutting means makes the cutting indication in the sleeve and hose. *Owens* does not make up the deficiencies in *Hensley*. In particular, *Owens* teaches away from a cutting means as *Owens* is a crimping means for joining a piece of hose and a piece of tube, not separating a

hose. Thus, *Owens* teaches away from the present invention. Accordingly, claim 1 is patentable as are claims 2-19 which depend therefrom.

Independent claim 20 has numerous limitations including "at least one straight bar having a projecting end which projects toward the other jaw" and a cutting edge " which projects to a greater extent than the projecting end of said at least one bar." *Hensley*, alone or in combination with *Owens*, does not teach or suggest an appliance for mechanical sealing of hollow hoses and elastic material with sealing means which is made of plastically deformable material with all the limitations of claim 20. As discussed in detail above with respect to claim 1, *Hensley* does not teach or suggest at least one straight bar having a projecting end where the cutting edge projects to a greater extent than the projecting end. *Hensley* does not teach or suggest an appliance including a cutting means which makes a cutting indication. *Hensley*, teaches away from crimping. *Owens* does not make up the deficiencies in *Hensley*. Thus, claim 20 is patentable.

The Examiner asserts that claims 7-10 and 14-17 are unpatentable over *Hensley* and *Owens* in view of *Undin*. As discussed above, one skilled in the art one would not combine *Hensley* and *Owens*. There must be some teaching or suggestion to combine the prior art references. One skilled in the art would not combine *Undin* with *Hensley* and *Owens* as *Undin* is a crimping means for crimping two pieces of wire together. Combining *Hensley* with *Owens* and/or *Undin* would render all devices unsuitable for their intended purposes. It is **essential** in *Undin* that the two elements being crimped together are in contact to establish a good electrical as well as mechanical connection. See, e.g. *Undin* at column 1, lines 23-25. Thus, one skilled in the art would not combine a crimping tool where it is **essential** to establish a good electrical and mechanical connection with a tool which severs the elements. Combining the *Hensley* cutting with *Undin* would render *Undin* unsuitable for its intended purpose. Combining *Undin* with *Hensley* would cause deformation, i.e. crimping, rather than prevent it. Accordingly, one

NOVASEPTUM AB
Serial Number: 09/701459
December 3, 2003
Page 12

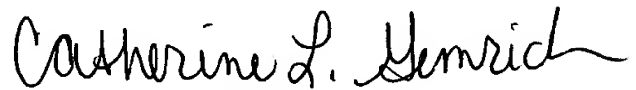
skilled in the art would not combine *Hensley* with, *Owens* and/or *Undin*. Thus, claims 7-10 and 14-17 are patentable.

As discussed above, *Hensley* and *Owens* alone or in combination do not teach or suggest all the limitations of claim 1. Claims 7-10 and 14-17 all depend from claim 1 and thus contain all the limitations of claim 1. *Undin* does not make up the deficiencies of *Hensley* and *Owens*. The inventive appliance includes a cutting means which projects toward the other jaw and makes a cutting indication in the sleeve. *Undin* does not teach or suggest an invention which makes a cutting indication. *Undin* teaches away from any cutting or cutting indication as good contact is essential. Further, none of the prior art of record teaches or suggests crimping by using at least one bar which projects toward the other jaw. Thus, claims 7-10 and 14-17 are patentable.

CONCLUSION

Applicant asserts that all of the objections have been obviated and, therefore now respectfully requests withdrawal of the objections, and allowance of the application.

Respectfully submitted,

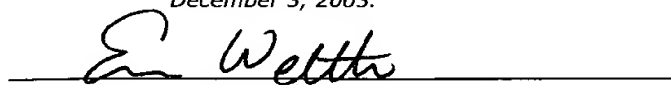


Catherine L. Gemrich
Attorney for Applicant
Registration Number 50473

DRUM & ROTH
53 WEST JACKSON BOULEVARD
CHICAGO, ILLINOIS 60604-3606
TELEPHONE: 312.922.6262
FAX: 312.922.7747

CERTIFICATE OF EXPRESS MAIL

I hereby certify that this correspondence is being deposited with the United States Post Office as Express Mail, Envelope No. EV 308145622 US addressed to: Commissioner of Patents and Trademarks, Alexandria, VA 22313-1450, on December 3, 2003.


Erin Weltier

TRANSMITTED/STORED SEP. 3. 2003 1:28PM
FILE MODE OPTION

TTI ORUM & ROTH

6611 MEMORY TX

ADDRESS

G3 :17033057718

RESULT

OK

PAGE

12/12



REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWER

E-2) BUSY
E-4) NO FACSIMILE CONNECTION

NOVASEPTUM AB
Serial Number: 09/701459
September 3, 2003
Page 1 of 12

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: NOVASEPTUM AB

Serial Number: 09/701459

Filed: 12/04/00

For: SEALING APPLIANCE

Docket Number: 11894

) Examiner: KOCH, G.
) Art Unit: 1734
)
)
)

**AMENDMENT AND
RESPONSE TO FINAL OFFICE ACTION**

Hon. Commissioner of Patents
And Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

September 3, 2003

This communication is responsive to the Final Office Action dated June 3, 2003, having a shortened statutory period set to expire September 3, 2003. Accordingly, this response is timely filed on September 3, 2003.

Please amend the application as follows:

In the Claims:

Please cancel claims 3 and 15 without prejudice and amend claims as shown in the section entitled "Claim Amendments".